

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

LACY WRIGHT, JR. et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 1:08-1431

JAMES M. SUTTON, et al.,

Defendants.

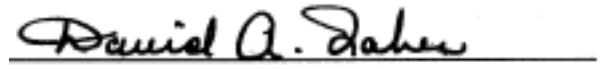
MEMORANDUM OPINION AND ORDER

Pending before the court is a motion by Crowe, Chizek and Company, LLC (hereinafter "Crowe") to reinstate its Motion to Dismiss and Amended Motion to Dismiss to the active docket of the court. (Doc. # 19). The motions were terminated when the case was stayed, on December 9, 2009, at the request of the Federal Deposit Insurance Corporation ("FDIC"), as Receiver for Ameribank, Inc., to give plaintiffs an opportunity to exhaust their administrative remedies. The administrative claims process is complete and the FDIC has moved to dismiss the complaint for lack of subject matter jurisdiction. Although discovery in the case has been stayed pending resolution of the FDIC's motion to dismiss, it is proper to reinstate the motions to dismiss filed by Crowe. Accordingly, Crowe's motion is GRANTED and the Clerk is directed to reinstate the aforementioned motions to the active docket of the court.

The Clerk is requested to send a copy of this Memorandum Opinion and Order to counsel of record.

IT IS SO ORDERED this 6th day of July, 2010.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge